



Advocates for Workplace Fairness

March 2, 2023

**Via CM/ECF**

The Honorable Gabriel W. Gorenstein  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Wood et al. v. Mike Bloomberg 2020, Inc.*, No. 20 Civ. 2489 (LTS) (GWG)

Dear Judge Gorenstein:

Along with co-counsel, we represent Plaintiffs and opt-in Plaintiffs in the above-referenced matter. We write to respond to Defendant's February 28, 2023 Letter, ECF No. 323, requesting an order compelling Zia Oram, Daniel Smith, and Edrian Wright to participate in discovery. Plaintiffs do not oppose the specific relief requested by Defendant: an order from the Court compelling Oram and Smith to respond to written discovery and Wright to appear for a deposition, with a warning that failure to do so may result in the dismissal of their FLSA claims.

As Defendant states, any future dismissal of Oram's, Smith's, or Wright's FLSA claims is not presently ripe before the Court. ECF No. 323 at 1 n.2. Plaintiffs request the opportunity to separately address the merits of any application for dismissal of their FLSA claims, including whether dismissal is appropriate and, if so, if it should be with or without prejudice, after Defendant actually makes such an application. Accordingly, Plaintiffs will not address Defendant's characterizations of the procedural history of the parties' discovery, but reserve the right to do so.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin M. Swartz".

Justin M. Swartz

CC: All Record of Counsel (via ECF)